

## **CHAPTER 2: SPECIAL AREAS**

### **GOAL 7: FLOOD HAZARDS & HILLSIDES**

#### **HAZARDS BACKGROUND SUMMARY**

##### **FLOOD HAZARDS**

Flooding is the most serious natural hazard in the Albany area with its effects ranging from simple annoyance to loss of life and property. The annual flood season extends from October to April with the majority of floods occurring during December and January when soaked soils and rivers can no longer handle the overland runoff from the heavy winter rains.

Each of the three major waterways, the Willamette and Calapooia Rivers and Oak Creek, have experienced major floods and many smaller floods within the past century. Since 1878, there have been 13 major floods on the Willamette as high or higher than the 1964 flood elevation. Upstream flood control dams regulate the peak flood crest elevation but do not reduce the chances of major flooding, although the chances of smaller floods have been reduced.

Approximately 24 percent of the land within the Albany Urban Growth Boundary is within the 100-year floodplain. Floodplains within the Albany Urban Growth Boundary are mapped on Plate 5 in Chapter 4. A 100-year flood has a one percent chance of occurring in any one year and its floodplain is used to determine the base flood levels and flood prone area. The Army Corps of Engineers provides the City with mapped floodplain data which is periodically updated as circumstances change.

For floodplain management purposes, the floodplain is divided into the floodway and the flood fringe. The floodway is defined as the minimum area needed for the passage of flood waters in order that flood heights upstream are not increased beyond an acceptable amount. In Albany, the floodway is the channel and adjacent land areas which must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot. The flood fringe is that area bordering the floodway subject to flooding but not contributing appreciably to the passage of flood flows.

The City of Albany participates in the National Flood Insurance Program which requires participating communities to adopt land use controls meeting Federal Emergency Management Agency standards. Participation in the program by local jurisdictions enables property owners to obtain federally subsidized flood insurance and makes the area eligible for federal disaster relief if extensive damages ever occur.

Historically, there have been three major flood hazard areas within the Urban Growth Boundary, each with different problems and characteristics. The east Albany area was subject to ponding because of flow restrictions occurring on Cox, Burkhart, and Truax Creeks. The Soil and Water Conservation District implemented flood control improvements on these drainageways which removed the flooding problem. The remaining problem areas are the floodplains along the Willamette River, particularly within North Albany and the floodplains along the Calapooia River and Oak Creek in South Albany. Improvement of the Oak Creek drainageway is being evaluated by the Soil and Water Conservation District but no project has been scheduled.

A large proportion (27 percent) of North Albany is within the floodplain, much of which is already developed. During flood times, emergency and service vehicles cannot reach areas in North Albany because access roads are flooded and inaccessible.

There is little development on the floodplains along the Calapooia River and Oak Creek in South Albany. Increased development costs and flooding have served as a sufficient deterrent; but as the community develops, these floodplains will see increased development pressure. (Note: no projects have been identified within the floodway, floodplain, or channel.)

Encroaching on the floodplain by filling or with buildings or with other structures decreases the area available for the conveyance of excess water. Such filling may increase both upstream and downstream flooding or displace floodwaters onto land which is not within the floodplain. Buildings and bridges within the floodway may dam floodwaters and cause higher flood stages and create upstream inundation. The removal of vegetation along riverbanks and in the floodplain increases the likelihood of erosion damage.

Future floodplain levels can never be exactly predicted and the Army Corps of Engineers periodically updates flood level information as new studies and information becomes available. As this information is provided, it will be incorporated into the City's information base and appropriate land use regulations will be applied.

## **HIGH WATER AND PONDING**

The clay-rich soils and generally flat topography found within the Albany Urban Growth Boundary combine with the alternating wet/dry weather cycle to produce poor drainage conditions throughout the area. These soil conditions result in ponding, a high water table, and some localized flooding during the winter which poses limits to construction methods and septic tank use. Disturbance of the natural drainage patterns and the removal of protective vegetative ground cover by urban development and upstream agricultural and forest practices have aggravated these soil conditions and have increased surface runoff.

Generally, soils within the Albany area are of low permeability. The infiltration rate of rainwater is slow and flat surfaces provide no natural gradient for the resulting overland runoff. Ponding occurs when soaked soils can no longer absorb heavy amounts of rainwater or when the rising groundwater table has actually surfaced. Buoyancy associated with a high groundwater table can crack basements, lift swimming pools, and cause underground storage tanks to surface.

Nearly all of the area soils are subject to severe shrink-swell limitations. These clay soils dry out and crack in summer months and then with the first winter rains swell shut and become impermeable, thus increasing surface runoff. These shrinking and expanding soils provide poor foundations for large structures and promote caving-in of deep excavations. Building foundations must be designed to resist swell pressures.

There are fourteen drainage basins within the urban growth boundary area. Four of these basins are within the North Albany portion of the Urban Growth Boundary while the remaining ten encompass the remainder of the Urban Growth Boundary. The Oak Creek drainage area, containing four basins, extends into the foothills beyond the cities of Lebanon and Sodaville. Periwinkle Creek is one of the largest and most developed drainage areas within the Urban Growth Boundary area. This area is divided into four basins. The Truax, Burkhart and Cox Creek basins are currently largely undeveloped, with the majority of the basins outside the Urban Growth Boundary. The Calapooia River Basin is located in the western area of the Urban Growth Boundary.

## **HILLSIDES**

Together, the bedrock structure and the alluvial deposits have given the Albany area a generally flat topography. Slopes south and east of the Willamette River are less than 3 percent. However, North Albany has more hilly terrain with ridges and valleys resulting from the underlying sandstone pediment. Twenty-five percent of the land in North Albany has slopes of more than 15 percent. Extensive development on these slopes could cause soil slippage and increased erosion. Such problems can be eliminated through retention of vegetative cover, particularly trees, and by ensuring that any development follows existing contours as much as possible and replaces lost vegetation around building sites. Plate 7, in Chapter 4, page 138 maps slopes within the Urban Growth Boundary area. More detailed information on hazards may be found in the Background Report under Goal 7: Natural Disasters and Hazards.

# **GOAL 7: FLOOD HAZARDS & HILLSIDES**

## **GOALS, POLICIES, & IMPLEMENTATION METHODS**

### **GOAL**

Protect life and property from natural disasters and hazards.

### **POLICIES**

1. Continue to participate in the National Flood Insurance Program and comply with applicable standards.
2. Restrict new development (including fill) from locating within floodways which would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-year flood levels, then the following uses may be considered:
  - a. Public and private parks and recreational uses.
  - b. Other uses which would not involve the construction of permanent or habitable structures.
  - c. Water-dependent structures such as docks, piers, bridges, and floating marinas.
3. Concurrent with new development, and when appropriate, secure dedications and easements adequate for channel maintenance and conveyance of storm water along natural drainageways and where identified on adopted master plans, secure easements for public open space, and future recreation use along all floodways and natural permanent drainageways.
4. Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed.
5. Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management Agency (FEMA) and other applicable local regulations in order to minimize potential flood damage. Development proposals in areas subject to flooding may be reviewed according to the following criteria:
  - a. Proposed development activities shall not change the flow of surface water during flooding so as to endanger property in the area. Special engineering reports on the changes in water flow and potential damage which may be caused as a result of proposed activities may be required. If necessary, local drainage shall be improved to control increased runoff that might increase the danger of flooding to other property.
  - b. Impacts on significant fish and wildlife habitat have been considered and appropriate protection measures included in project design.
  - c. Problems of ponding, poor drainage, high water table, soil instability, or exposure to other flood hazards have been identified and mitigated. Evaluations and mitigating measures shall be based on a base year flood and wet season characteristics.
  - d. If adjacent to a designated floodway, the development shall be designed to use the natural amenities of the floodway including open space, scenic views and vegetation in accordance with an approved site plan.
6. Locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to minimize or eliminate flood damage. Require that new or replacement water supply systems and/or sanitary sewer systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located to avoid impairment of them or contamination from them during flooding.

7. Ensure that any filling or construction within the floodplain meets the following criteria:
  - a. Require that a fill permit is issued prior to any fill activity and all fill is engineered and compacted to applicable standards. Fill areas for dwellings shall have engineering certification that loading rates are adequate for dwellings.
 

[Ord. 5042, 4/14/1993]
  - b. The lowest finished floor elevation shall be built at least one (1) foot above the base-year flood level. Special engineering reports or structural work may be required.
  - c. Require property owners or developers to file a certification approved by the local community permit official, registered professional engineer, architect, or surveyor indicating elevation of the surrounding grade or lowest habitable floor (including basement) of all new residential structures. This information shall be maintained to indicate compliance with Federal Emergency Management Agency (FEMA) regulations.
8. For construction, remodeling, or major repairs to structures (including prefabricated and mobile homes) within the floodplain, review building permits to ensure that:
  - a. Building location and grading are designed to protect the structure during a base year flood.
  - b. Construction materials and utility equipment are resistant to flood damage.
  - c. Construction methods and practices will minimize flood damage.
  - d. Where appropriate, structures are designed or modified to prevent flotation, collapse, or lateral movement of the structure.
9. Development approval within the flood fringe shall be reviewed to protect property and public safety and significant natural values.
10. The City may provide density bonuses which encourage the protection and preservation of flood fringe areas.
11. Prior to annexation of hillside areas, adopt hillside development regulations for slope areas in excess of 12% in order to protect against geologic mass movement, excessive erosion and storm water runoff, and protection of important natural vegetation.
12. Require land divisions and planned developments in slope areas to:
 

[Ord 5042, 4/14/1993]

  - a. Minimize cut and fill requirements.
  - b. Ensure that the location and design of streets, structures, and other development give full consideration to natural contours, drainage patterns, and vegetation features of the site.
  - c. Protect against temporary and long-term erosion.
  - d. Control storm drainage to minimize the amount and rate of storm water flowing onto adjacent property and city streets.
13. The City may reduce standard densities (increases in minimum lot sizes and lot area per unit) and alternatively encourage cluster development through the PUD process, with greater slopes receiving the greater density reduction and cluster development incentive.
14. Encourage open space alternatives to urban level development in areas subject to flooding such as park and recreation areas, agriculture, natural areas and wildlife habitat.
15. Within the city limits portion of the Urban Growth Boundary, maintain regulations pertaining to excavation and grading.
16. When approving development in the flood fringe follow FEMA guideline that states: "In mapping a floodway it is assumed that all floodplain areas outside the floodway will eventually be filled in or otherwise

obstructed. Consequently there is no need for a case by case hydraulic analysis of each proposed development in the fringe areas.” (Source: FEMA, The Floodway: A Guide for Community Permit Official). [Ord. 5042, 4/14/1993]

### IMPLEMENTATION METHODS

1. Define floodway, floodplain, and open space zoning boundaries on 1" to 100' topographical maps and adopt them as the official floodplain maps.
2. Periodically hold workshops involving local realtors, developers, government officials, and property owners to provide information about city and federal flood management regulations.
3. Adopt Chapter 70 of the Uniform Building Code, modifying the Code if necessary in minimal slope areas.
4. Require contractors to identify approved fill sites for disposing of material used for public works projects.
5. Require proposed hillside development to provide for the preservation and, if possible, enhancement of the site’s natural features during all phases of the design and development process. This includes consideration of soils, vegetation, hydrology, wildlife habitat, views and visual orientation, both from the site and to the site, and unusual or unique natural features.
6. Revegetate any exposed soil not under continuous construction and on slopes which are greater than 20% slope with temporary or permanent vegetation such that it is not left exposed for more than 60 days in the period between October 1 and April 1.
7. Revegetate any exposed soil which is greater than 20% slope in a manner to re-establish vegetation within a 6-month period from issuance of a Certificate of Occupancy. If irrigation is not provided, then the exposed soil must be planted with species which can survive without irrigation. Vegetative cover or any alternative cover (rock, masonry, etc.) must be maintained in perpetuity.
8. In all slope areas, collect, control, and direct all impervious surface drainage from roofs, driveways, and parking areas to a City storm drain or other City-approved drainage system.
9. Require that all excavation and fill work and structural foundation work be approved by a registered engineer whenever the slope is greater than 30% or where there exists probability of geologic hazards such as perched water tables and/or landslide areas. Where appropriate, such approval shall include information from a soils engineer and engineering geologist.
10. Increase minimum lot sizes (or minimum lot area per unit) on hillside areas, allowing higher densities for cluster developments approved through Planned Development as outlined in the following table:

| <u>Slope %</u> | <u>Standard Dev.</u> | <u>(RS 6.5 Lot)</u> | <u>PUD Devel.</u> | <u>(RS 6.5 Avg)</u> |
|----------------|----------------------|---------------------|-------------------|---------------------|
| 13 to 20       | 1.25                 | 8125                | 1.00              | 6500                |
| 21 to 25       | 1.50                 | 9750                | 1.15              | 7475                |
| 26 to 30       | 2.00                 | 13000               | 1.40              | 9100                |
| 31 & above     | 3.00                 | 19500               | 2.00              | 13000               |

11. Review development proposals in areas subject to flooding on the basis of adopted flood regulations. [Ord 5042, 4/14/1993]
12. When necessary, apply conditions of approval for development within the flood fringe such as:
  - a. Regulations of site grading including measures to balance cut and fill.

- b. Protection of significant open space areas, wildlife habitat, and existing vegetation.
  - c. Dedication of public access, rights of way, or easements.
  - d. Channel improvements and stabilization.
  - e. Special construction or construction measures such as flood proofing.
13. As a part of a Storm Water Drainage Master Plan for North Albany, identify, as needing protection, key swales and drainages that serve a vital role in the overall storm water drainage and flood water management system in North Albany. [Ord 5042, 4/14/1993]

## **GOAL 15: WILLAMETTE RIVER GREENWAY**

### **SPECIAL AREAS BACKGROUND SUMMARY**

In the 1800s, Albany was a major steamboat landing on the Willamette River. The river was a vital link to the rest of Oregon and the world. Through Albany, the region marketed its products. It was access to the river which first made Albany a successful regional trade center. Many of Albany's early homes and downtown commercial buildings are elegant reminders of the city's prosperous river trade era. With the coming of the railroads, development of the automobile, and an extensive system of roads, the commercial importance of the river declined. This decline also resulted in the city's attention turning away from the river. For many years Albany's river front was neglected. Fires and neglect destroyed the abandoned warehousing and commercial buildings along the river. The river front became an unattractive and inhospitable place.

Today, Albany has focused once again on the Willamette River as a significant community asset. Recent park development, land acquisition, and downtown planning and development utilize the Willamette River and the Greenway as primary design and aesthetic elements. The City is the largest landowner within Albany's Greenway Boundary. About 75% of the land along Albany's river front is in public ownership. Most of this land has been designated as public park land including Monteith Riverpark, Bryant Park, and Bowman Park. Together, these facilities comprise a total of 120 acres of which 70 acres are developed for park purposes. During 1982-84, Albany acquired 70 acres of undeveloped State park land and entered into a long-term lease with the Oregon Department of Transportation for an additional 30 acres of State Highway right-of-way. Together, these properties comprise a continuous one and one-half miles of the Willamette River's north bank, directly across from Albany's downtown. Future plans for this property call for river access and boat launching opportunities, picnicking and other day use activities, nature trails, bank landings, and primitive campsites for boaters. These parks are near residential areas and provide Albany residents the opportunity for easy river access.

Albany and the surrounding area's opportunities for access and utilization of the river are enhanced even more by the presence of Bowers Rock State Park (455 acres of undeveloped property) one-half mile up river from Bryant Park. This property was acquired by the Oregon State Parks Division in 1972 and was intended to be developed as a regional park. Bowers Rock presents the opportunity for Albany to expand the potential of its river front park system by linking it to a regional park facility. Current plans propose hiking, bicycle, and equestrian trail linkages between Albany's Greenway parks and Bowers Rock State Park. Besides parks and open space, other land uses within the Greenway include residential, industrial, and downtown commercial uses, parking lots, warehousing, and outside storage.

The City has also pursued a patient policy of public easement acquisition for other properties along the river. Today, Albany only needs to acquire easements along six city blocks to either have easements or own all the property along Albany's river front. Plans propose a river front pedestrian bicycle trail linking Bowers Rock State Park and Bryant Park to the west with Bowman Park to the east. This river front trail would connect to other bicycle paths running through Albany's residential areas. Currently, the unbridged Calapooia River is the only gap between Bryant Park and Albany's downtown Monteith Riverpark.

Most of Albany's park land, including that on the north bank, is within either the floodway or 100-year floodplain of the Willamette River and is subject to seasonal flooding. There are no identified ecologically fragile areas, aggregate resource sites, or timber resources within the Albany Greenway Boundary. However, it is possible that some of these sites may exist, because to date no inventory of these resources has been done. All of the area within the floodway boundary and a good portion of the 100-year floodplain has been identified by the U.S. Fish and Wildlife Service as having wetland values and characteristics. Most of the natural vegetation along the river is riparian in character and consists of a band of cottonwood, willow, alder and other water-tolerant tree species with an associated understory of riparian grasses and shrubs. This vegetation is essential for wildlife habitat and the scenic quality of the Willamette River.

Man-induced changes along the Willamette River; including vegetation removal, aggregate extraction, and filling of lowlands; can threaten the character and quality of the Greenway. Particularly dangerous is the prospect of erosion resulting from bank and channel alteration and vegetation removal. Along the Willamette and Calapooia Rivers, there is evidence of significant erosion that was caused by the past application of these practices.

Albany has adopted a Willamette Greenway Boundary in coordination with the Oregon Parks Division. Land use activity within the Greenway is managed through the application of a Greenway Conditional Use Permit. This process ensures that development takes place in a manner that is compatible with Greenway values and goals. The Albany Greenway Boundary is mapped on the Albany Comprehensive Plan Map.

# **GOAL 15: WILLAMETTE RIVER GREENWAY**

## **GOALS, POLICIES, AND IMPLEMENTATION METHODS**

### **GOAL**

Protect, conserve, enhance and maintain the natural, scenic, historic, economic, and recreational qualities of the Willamette River, its banks, and adjacent lands.

### **POLICIES**

1. Maintain and enhance the natural vegetative fringe along the banks and terraces of the river through establishment of special setbacks and other available means in order to protect wildlife habitat, provide food and shelter for fish, mitigate erosion and flood damage, and provide scenic character.
2. Encourage the use of vegetation, for bank stabilization as a preferable alternative to rock rip-rap or concrete revetments except in those cases where water velocities, bank steepness, etc. make the use of vegetation for this purpose impractical.
3. Encourage the protection, rehabilitation, and restoration of historic sites and structures within the Greenway boundary.
4. Continue to acquire land and public access easements in order to protect the natural resources qualities of the Greenway and provide continuous public access along Albany's riverfront through the development of recreation trails and park sites in accordance with adopted recreation plans. Easements shall be acquired in a location and with ample area to allow the development of bike and pedestrian trails along the river. Easements shall when possible extend to the low water line.
5. Utilize the potential of the Willamette River Greenway to promote events and activities that attract tourism and to enhance Albany's livability.
6. Protect and preserve the natural and scenic qualities of the publicly-owned properties along both banks of the Willamette to provide for future recreation opportunities and other uses compatible with Greenway values.
7. Allow water-dependent uses (those that can be carried out only on or adjacent to water areas), and water-related uses (those uses which are directly associated with water-dependent uses or waterway uses) that provide a needed public service, to locate within the Willamette River Greenway setback areas when other Greenway standards have been met.
8. Provide development incentives and otherwise encourage water-oriented, water-dependent, and water-related uses such as public parks, boat launches and landings, restaurants and other community-related activities whose use is enhanced by views and access to the river, subject to applicable setbacks and other standards that preserve Greenway values.
9. Where private property is adjacent to public use areas, establish measures to minimize trespass, vandalism, and other adverse effects.
10. Coordinate review of Greenway or Willamette River development projects with other appropriate state and federal agencies including the Oregon Division of State Lands and the Army Corps of Engineers.

## **IMPLEMENTATION METHODS**

1. Develop a Willamette Riverfront-Greenway Master Plan for the Albany area that outlines a range of recreation development alternatives that can be developed in a manner consistent with Willamette River Greenway values.
2. Support public and private efforts to develop a pedestrian-bicycle bridge access between Monteith Riverpark and Bryant Park to enhance recreational use and enjoyment of the Greenway.
3. Develop an acquisition program that includes required easement dedication for all new developments with Willamette River frontage, gifts and donations, purchase, land trades, etc., to obtain land and easements to:
  - a. Preserve and enhance the character of the Willamette River and Greenway.
  - b. Provide for public access and recreational enjoyment of the River.
  - c. Develop a continuous and connected system of riverfront parks and bikepaths.
4. Utilize the Greenway Conditional Use process to review all new developments within the Greenway boundary to assure that the Greenway goals and policies are achieved.
5. For new development, changes or intensification of use; develop special regulations concerning landscaped area, open space, or vegetation between the activity and the river to mitigate the impacts of new development on the Greenway.
6. Develop a system of density bonuses and other incentives for those developments that dedicate lands within the Greenway Boundary for public use and enjoyment.
7. During each Plan periodic review and update, review the Willamette River Greenway Boundary and related provisions of the Development Code with the Oregon State Parks Division, to determine their effectiveness in protecting and enhancing Greenway values.

## **RECOMMENDATIONS**

1. Encourage the Oregon Parks Division, State Marine Board, and Benton County to participate with the City of Albany in the development of the State Highway Division right-of-way and Takeena Landing properties as a river-oriented recreation site. Development options include, but are not limited to:
  - a. River access and boat launch opportunities.
  - b. Nature trails and associated interpretive facilities.
  - c. Landings and primitive campsites for Willamette River boaters.
  - d. Picnicking, day use areas.
2. Encourage public development of Bowers Rock State Park as a regional recreation facility.
3. Encourage the State of Oregon and surrounding jurisdictions to work with the City of Albany to plan for and implement a system of interconnected recreation trails along the Willamette Greenway.

## **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

### **HISTORIC AND ARCHAEOLOGICAL RESOURCES BACKGROUND SUMMARY**

No less intangible but far less renewable than most natural resources, Albany's historic resources are an important asset to the citizens of Albany and Oregon. The historic cityscape, which Albany's citizens encounter everyday, is valuable because it gives people a sense of permanence and continuity - a sense of place.

A community's image of itself is important in sustaining both its economic health and the well-being of its citizens. A poor image will not attract new industries or commercial businesses nor stimulate civic pride. By emphasizing its historic landscape, Albany can enhance its image and offer an attractive tourist setting.

Albany's historic landscape represents a vital, irreplaceable heritage of traditions. It is a unique collection of structures representing every stage of Albany's growth and mirroring Oregon's distinctive cultural history. Some 379 primary historic buildings built prior to 1900, plus 360 secondary buildings built after 1900 but before 1915, exist within one commercial and two residential historic districts in a 190-block core area along the waterfront. An additional 100 historic structures of equal quality are scattered throughout the city.

The Monteith, Hackleman, and Downtown Historic Districts have achieved national recognition by being placed on the National Register of Historic Places, the nation's official list of cultural resources worthy of preservation. A number of individual buildings within the city are also on the Historic Register. Together, these historic districts provide a visual span of Albany's history from 1848 to 1915; from the time of its first settlement through its years of growth as a river port and commercial trade center. More significant than the number of buildings, however, is the architectural quality of the structures in Albany representing virtually every style and type of house ever built in the Northwest. The commercial district contains every major commercial style of the Victorian era and claims one of the finest cast-iron facades (Blain Building).

Albany's citizens have shown an interest and commitment to historic preservation. The City recognizes that a preservation program can recycle older structures to preserve their quality craftsmanship, make residential and commercial property more valuable, create an attractive tourist setting, and reduce energy needs. Because of their lack of insulation, historic structures offer the greatest potential for reducing energy use within the city. It has been estimated that by weatherizing these homes to the 1980 Building Code standards, 70 percent of their annual heating costs can be saved.

The City funded and completed an historic building survey and compiled material for nomination of the three districts to the National Historic Register. Altogether, the combined data of architectural and historic descriptions, mapping, and photography, create the only complete street-by-street house inventory in Oregon.

Citizen groups have been energetically involved in the process of establishing the historic districts, and they have developed a number of support projects including historic home tours, fund raising for restoration of the Monteith House (the original home of Albany's founders), and the establishment of a Preservation Resource Center. In addition, a Landmarks Advisory Commission (previously known as the Historic Advisory and Museum Commission) was created, whose functions include the development of educational and funding programs to protect the city's historic resources.

There has been no intensive archaeological site survey within the Albany Urban Growth Boundary, although the potential exists for an abundant concentration of prehistoric sites. Archaeologists believe the Albany area was a central camp site for a band of Kalapuyan Indians because of its easy access to major waterways for transportation and fishing and to the prairie land for small game and camas roots.

State and federal laws prohibit tampering with native Indian cairns and graves and require re-internment of discovered Indian remains, while permitting archaeological study of sites. In addition, State law “authorizes state, county, city, or park and recreation districts to acquire conservation or scenic easements to preserve or maintain all or part of natural or existing state historic sites...” An archaeological site can be registered with the National Historic Register, giving it some degree of protection from destruction just by acknowledging its existence.

More detailed information on historic and archaeological resources can be found in the Background Report under Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources; and under Goal 13: Energy Conservation.

## **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

### **HISTORIC & ARCHAEOLOGICAL RESOURCES GOALS, POLICIES, & IMPLEMENTATION METHODS**

#### **GOAL**

Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors.

#### **POLICIES**

1. Support the identification, recognition, development, and promotion of Albany's historic buildings and districts through City programs or other organizations.
2. Maintain survey information which accurately reflects the historic characteristics and quality of each of Albany's historic structures.
3. Within the city limits, maintain historic review ordinances for historic structures and districts which incorporate the following:
  - a. Except where public safety is jeopardized, allow the demolition of historic structures only when the existing structure cannot be economically rehabilitated or moved, or there is a demonstrated public need for the new use; and the proposed development is compatible with the adjacent properties.
  - b. Ensure that exterior alterations of historic structures maintain the historic value of the structure and conform with the Secretary of the Interior's Standards for Historic Preservation.
  - c. Ensure that the design of new construction within historic districts does not detract from the architectural qualities of the district.
  - d. Where the original or intended use of a structure is not feasible, encourage compatible adaptive uses of historic structures (i.e. establishment of bed and breakfast operations, specialty shops, restaurants, and professional offices) provided the historic integrity of the structure is maintained.
4. Work with Linn and Benton Counties to inventory historic resources within the urban fringe and to develop appropriate management measures by December 1989.
5. In cooperation with state agencies, determine the location of any known archaeological sites as information becomes available and protect available information to minimize vandalism of the site.
6. Ensure that development proposed within the floodplain of the Willamette and Calapooia Rivers or on sites that have been specifically inventoried does not destroy archaeological resources. Require an archaeological survey and commensurate mitigation measures if development is proposed within the vicinity of a known site or if a significant archaeological resource(s) is discovered. (The physical extent of a "significant" resource shall be 1,000 square feet or larger and/or with a depth of one foot or more.)
7. Ensure that state and federal laws on the protection of archaeological resources are followed in private and public construction projects.
8. Notify the State Historic Preservation Office and the Native American Legislative Commission on Indian Services any time Native American burial remains are discovered.

## IMPLEMENTATION METHODS

1. Encourage the Albany Regional Museum to:
  - a. House and display artifacts related to the Albany area's history.
  - b. Sponsor city, county, and Mid-Willamette Valley history tours.
  - c. Conduct historical seminars and workshops.
  - d. Serve as a local archives depository and conduct research.
  - e. Provide information and assistance to individuals and community groups interested in the enhancement and preservation of Albany's historic resources.
2. Develop an education program (including public workshops, printed matter, tours, and exhibits) for Albany residents which would:
  - a. Demonstrate the economic and energy assets of preserving Albany's older structures.
  - b. Advise property owners on proper restoration techniques.
  - c. Emphasize the relationship of the Willamette River to Albany's historic character.
  - d. Work with the Greater Albany Public School District and other learning institutions in developing education programs which utilize Albany's historic areas as learning resources.
3. Include in the Capital Improvement Program specific projects for the improvement of historic areas. Possible projects include:
  - a. Beautification of the Santiam Canal and its branches.
  - b. Historic-theme street lighting in the downtown.
4. Within historic districts, encourage the development of landscapes and the planting and retention of trees associated with the applicable historic periods.
5. Maintain information and directional signage for Albany's Historic Districts.
6. Support the efforts of the Albany Historic Tours Committee and other community groups to maintain the Historic Information Gazebo and Victorian Garden as a focus of visitor information about Albany's Historic Districts.
7. Stabilize and improve property values in existing and proposed historic districts. Methods might include:
  - a. Emphasizing the importance of owner-occupied housing through methods such as encouraging loan programs for the acquisition and renovation of historic structures.
  - b. Discouraging heavy truck route traffic on streets which run through or adjacent to residential neighborhood districts.
  - c. Ensuring that Development Code regulations enhance the preservation and renovation of historic structures.
8. Develop review criteria which would discourage those zone changes resulting in increased pressure to replace historic structures with more intense land uses.
9. Encourage property owners within the three National Register Districts or with recognized historic property to discuss proposed exterior changes to their property with the City staff and/or Landmarks Advisory Commission (LAC) prior to applying for a historic review permit.

10. For significant primary structures, create a “landmark district” overlay zone designation which would provide for the protection of significant historic sites and buildings from incompatible development of surrounding properties.
11. Periodically review and update the City historic ordinance concerning demolition, historic alteration, and new construction within historic districts.
12. Continue research into the origin and importance of Albany’s historic resources and have that research printed. Research projects should include:
  - a. An inventory of post-Victorian, architecturally important structures (1915-1950).
  - b. An inventory of historic trees.
13. Establish a photo archive of Albany in conjunction with the Albany Regional Museum and the Albany Convention and Visitors Commission.
14. Require a preliminary archaeological survey prior to any development which would disturb the soil to a depth greater than 18 inches and is within the floodplain of the Willamette River, Calapooia River, Oak Creek, or any other area suspected to contain archaeological material.
15. Develop a notification procedure for contacting Indian representatives and other appropriate groups when archaeological material is discovered.
16. Encourage adaptive reuses of second-floor space within the Downtown Historic District provided the historic character of structures is maintained such as:
  - a. A range of residential opportunities compatible with the commercial operation of the downtown.
  - b. Professional offices and research facilities including medical labs and software development companies.
  - c. Artist studios.
  - d. Small scale assembling and manufacturing operations such as computer assembly and precision instruments.
17. Periodically review the categories of historic structure designations (Primary, Secondary, etc.) to insure that they reflect the desired historic value and that they result in appropriate benefits to property owners.
18. Expand the list of conditional uses permitted within the historic districts to increase the adaptive reuse of historic structures.
19. Notify the State Historic Preservation Office (SHPO) if significant archaeological resources are discovered.
20. Work with the State Historic Preservation Office, area universities and colleges and other involved groups to develop a more complete inventory of the archaeological potential of the Albany area.

### **RECOMMENDATIONS**

1. Encourage the Albany Downtown Association to emphasize the historic character of buildings within the Downtown Historic District when providing design assistance to owners and tenants.
2. Encourage Linn and Benton County to work with the City and the State Historic Preservation office in developing and maintaining historic review ordinances meeting Goal 5 requirements.

## **GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, & NATURAL RESOURCES**

### **WETLAND RESOURCES BACKGROUND SUMMARY**

The nation's coastal and inland wetlands are vital natural resources to the nation as a whole and to our area in particular. Wetlands are areas of great natural productivity, hydrological utility, and environmental diversity. They provide natural flood control, improved water quality, recharge of aquifers, flow stabilization of streams and rivers, and habitat for fish and wildlife resources. Wetlands contribute to the production of agricultural products and timber, and provide recreational, scientific, and aesthetic resources of national interest.

Technically wetlands are defined as land areas where excess water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. Within Albany there are a number of wetland areas. These areas are primarily located adjacent to water bodies and major drainageways, although there are some inland wetland sites. Wetland areas are mapped on Plate 6. More information regarding wetlands within the Albany Urban Growth Boundary can be found in the Background Report.

The unwise use and development of wetlands will destroy many of their special qualities and important natural functions. Recent estimates indicate that the United States has already lost over 40 percent of 120 million acres of wetlands first inventoried in the 1950's. This piecemeal alteration and destruction of wetlands through draining, dredging, filling, and other means has had an adverse cumulative impact on our natural resources.

The problem of loss of wetlands arises mainly from land use practices. Government policy can be responsible for or can influence these practices in the construction of projects, in the management of its own properties, in the provision of financial or technical assistance, and in its role of shaping and providing land use regulations. Oregon's statewide planning Goal 5 specifies that jurisdictions must develop a program to manage all Goal 5 resources, including wetland resources. This management strategy may range from complete protection of the resource to fully allowing conflicting uses. However, since the goal is "to conserve ... and protect ...," the emphasis is toward the restriction of uses that would deteriorate the resource or its open space values. In regard to wetland areas, the City has proposed a management strategy for those areas within the City as well as an approach for managing those areas within the urban fringe areas. This approach is identified in the following goals, policies, implementation methods, and recommendations with specific regulation criteria included within the Development Code.

While the City has developed a wetland management approach, it is not the only governmental agency with regulatory authority. On all wetland sites, state and federal agencies including the State Division of Lands, State Department of Environmental Quality, Environmental Protection Agency, and U.S. Army Corps of Engineers, may also exercise regulatory authority. These regulations, along with City regulations, create the beginning foundation for a coordinated and comprehensive wetland management strategy.

## **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

### **WETLAND RESOURCES GOALS, POLICIES, & IMPLEMENTATION METHODS**

#### **GOAL**

Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

#### **POLICIES**

1. Maintain wetland inventory information as part of the Comprehensive Plan which indicates areas within the Urban Growth Boundary which may be subject to state and federal regulations. Such information may be refined and updated administratively as more precise information becomes available.
2. Work with Linn and Benton Counties and applicable state and federal agencies to refine wetland inventory information and to develop local management measures. Until such measures are adopted, evaluate wetland characteristics and permit requirements on a case-by-case basis.
3. Within the city limits, wetlands within the floodway shall receive maximum protection and any development proposed for these areas shall not degrade the resource.
4. Coordinate the review of any development proposal that could impact a wetland with applicable local, state, and federal agencies including Linn and Benton Counties, the Oregon Division of State Lands, the Army Corps of Engineers, Soil Conservation Service, Soil and Water Conservation Districts, etc. In addition, development that would impact a wetland within the city shall be subject to City Conditional Use requirements and Development Code standards pertaining to wetlands.
5. Review all land use applications to determine if wetland characteristics exist on the proposed development site. The actual extent and boundaries of wetland areas shall be determined on a case-by-case basis.

#### **IMPLEMENTATION METHODS**

1. Maintain a wetland inventory which identifies the following:
  - a. Wetland sites which are within the city limits, have been designated as open space and are subject to local, state, and federal land use regulations.
  - b. Sites which are within the city limits but are not designated as open space but may still be subject to federal and/or state land use regulations.
  - c. Wetland sites within the urban fringe which will require additional information to determine the status of the resource and exact boundaries and may be subject to state and federal and future local regulation.
2. Encourage applicants to acquire a more formal determination from the Oregon Division of State Lands or other applicable state and federal agencies when development is proposed that would impact an uninventoried site or when there are differences between current wetland inventory information and actual site conditions. Other precise or updated information regarding site-specific wetland resources or boundary locations may be submitted as part of a development application, including special studies or other information prepared by qualified parties and which are accepted by state and federal regulatory agencies.

3. Apply the Open Space Comprehensive Plan and Zoning Designation to the following areas:
  - a. Local lakes, canals, streams, drainageways, and associated floodway.
  - b. Important vegetation and wildlife habitat areas located within the floodway and flood fringe areas.
  - c. Inventoried wetland sites within the city which exhibit wetland characteristics with the exception of the following types of sites:
    - i. Lands committed to urban development where there are limited on-site opportunities for preservation or protection.
    - ii. Lands where existing public improvements have significantly degraded the wetland characteristics.
4. Apply specific management measures and conditions of approval, consistent with state and federal regulations, to protect and enhance designated wetlands such as:
  - a. Regulation of fill and drainage of wetland areas.
  - b. Limiting vegetation removal.
  - c. Establishing buffer and setback requirements for adjacent development.
  - d. Discouraging off-road vehicle use.
5. Ensure no development will result in the elimination or degradation of a wetland area which has been designated as open space, or be located totally within a wetland without acquiring permit approval from state and federal regulatory agencies and the City of Albany, and where necessary amending the Open Space Zoning and Comprehensive Plan designation. Also, ensure development does not infringe upon such a wetland, without meeting the following criteria:
  - a. The development cannot be located outside the wetland area, or the wetland is proposed to be reconfigured such that the proposed total area is at least equal in size and quality to the wetland area existing prior to the proposed development.
  - b. The encroachment upon the wetlands is the minimum necessary to complete the development.
  - c. Encroachment upon wetlands or change of drainage patterns or other actions which would adversely affect wetland characteristics have been mitigated.
  - d. Development review is coordinated with the Oregon Division of State Lands, the Army Corps of Engineers, and other applicable agencies and all other required state and federal permits have been obtained.
  - e. The applicable floodway or floodplain requirements of the Albany Development Code have been met.
  - f. Applicable Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resource policies of the Comprehensive Plan have been addressed.
6. Where possible, improve wetland areas to provide flood retention, storm drainage, vegetation and wildlife habitat, compatible recreation opportunities, and scenic quality.
7. When planning for future storm drainage projects recognize the importance of wetlands as part of the overall drainage system and ensure their preservation for retention and discharge of storm drainage and flood waters.

## **RECOMMENDATIONS**

1. Encourage Linn and Benton Counties to maintain and enhance wetland areas by methods such as:
  - a. Preserving natural vegetation.
  - b. Maintaining setbacks between wetland resources and future development.
  - c. Considering wetland areas as part of the overall drainage system.
  - d. Identifying and preventing contamination from point and non-point sources.

2. Encourage Linn and Benton Counties to notify the City and request comment on development actions within the Urban Growth Boundary that would impact a wetland.
3. Encourage the Oregon Division of State Lands to periodically review the regional cumulative impacts of development upon wetlands in the mid-Willamette Valley in order to monitor their extent and quality and to determine to what degree the resource has been enhanced or degraded and thus what level of protection is needed.